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IN THE

Supreme Court of the United States

October Term, 1959

No. 264

EDGAR SMITH,

Petitioner,

vs.

STATE OF NEW JERSEY,

Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY.

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POINT ONE—The petitioner-defendant herein was denied due process of law under the Fourteenth Amendment and The Bill of Rights by the admission into evidence over objection of an unsigned so-called "confession", the sole evidence convicting him of murder which was taken from him involuntarily and while in custody after the said petitioner was held incommunicado for a period of upwards of twenty (20) hours through a freezing cold night in an around-the-clock prolonged and massive inquisition by in excess of a dozen officials, without counsel, no sleep, no rest, little food and scant clothing, culminating in a prosecutor-conducted, deceptive and extended interrogation extracting said "confession" allegedly under oath, when he (petitioner) was no longer suspect or witness but a defendant and without being advised of his constitutional rights that he could remain silent and be represented by counsel and without arraignment; and the subsequent unlawful attempt by the prosecutor, after his (petitioner's) arraignment and being represented by counsel of record and subsequent indictment to further trick and cajole him into signing said "confession" by a stealthily unauthorized visit to his prison cell, which statement and the averment or acknowledgement of the accuracy or truth of same were unlawfully obtained and admitted in evidence against him	13

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PETITION FOR WRIT OF CERTIORARI TO THE SUPREME COURT OF NEW JERSEY

Petitioner prays that a writ of certiorari issue to review the judgment of the Supreme Court of New Jersey affirming the conviction of the petitioner in the lower Court, for the crime of Murder in the first degree. Petitioner is under execution of the death sentence. The said sentence was stayed by this Honorable Court by Mr. Justice William J. Brennan on the 19th day of June, 1959, pending the filing of this petition.

Opinion

The opinions of the Supreme Court of New Jersey are reported in 27 N. J. 433 (1958) and 29 N. J. 561 (1959).

Jurisdiction

Within the time prescribed by 28 U. S. C. Sec. 2101(c) petitioner served and filed his petition for a Writ of Certiorari to the Supreme Court of New Jersey. The jurisdiction is invoked and authorized by 28 U. S. C. Section 1254 (1) and 28 U. S. C. 1257(3).